

Decision No. 23342

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application  
of SUMNER-BUTTE CANAL CO., to sell  
to RICHVALE IRRIGATION DISTRICT,  
and of latter to buy certain pro-  
perty of SUMNER-BUTTE CANAL CO.

) ORIGINAL

) Application No. 15998  
)

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

The Railroad Commission by its order in Decision No. 23136 dated December 2, 1930, authorized Sutter-Butte Canal Co. to sell to the Richvale Irrigation District, the properties, water rights and other interests described in the agreement of option filed in this proceeding as Exhibit "A", subject to the terms and conditions of said order.

On December 23rd applicants filed a supplemental application in this proceeding wherein it is recited that applicants on December 20th entered into and duly executed an agreement of modification of option, a copy of which agreement is attached to the supplemental application, marked Exhibit No. 1. The agreement of modification of option was approved by the Commission by its First Supplemental Order (Decision No. 23207) dated December 23, 1930.

On January 24, 1931, applicants filed a second supplemental application requesting approval by the Commission of supplemental agreement of option providing as follows:

" This Supplemental agreement of option made this 6th day of January, 1931, by and between SUMNER-BUTTE CANAL CO., (a California Public Utility Corporation), First party, hereinafter designated as "Company" and RICHVALE IRRIGATION DISTRICT, (a Public corporation organized and existing under and by virtue of "the California irrigation district act") second party, hereinafter designated as "district".

W I T N E S S E T H:

WHEREAS, the parties hereto made and entered into an agreement of Modification of Option dated December 20th, 1930, and desire to supplement and add to the same.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that there shall be and is hereby added to paragraph (c) of said Agreement of Modification of Option, and made a part thereof the following:

'The Company agrees that if at said sale no bid for said bonds at said price of ninety-seven and accrued interest or higher is received, the Company will procure a bidder within fifteen (15) days thereafter for said bonds at said price of Ninety-seven and accrued interest provided the legality of said bonds and all proceedings in connection with the issuance thereof shall be approved by Messrs. Orrick, Palmer & Dahlquist, of San Francisco'.

IN WITNESS WHEREOF the parties hereto have executed this supplemental agreement of option the day and year first above written.

SUMNER-BUTTE CANAL CO.,

By Chas. W. White President.

By J. Shand Secretary.

RICHVALE IRRIGATION DISTRICT.

By J. E. Baker President

By Henry R. Rystrom Secretary."

The Commission has considered the request of

applicants and believes that the said supplemental agree-  
ment of option should be approved. Therefore,

IT IS HEREBY ORDERED that the above quoted  
supplemental agreement of option be and the same is hereby  
approved.

Dated at San Francisco, California, this

27th day of January, 1931.

C. C. Kelley  
Leon Whitell  
H. A. Lee  
M. B. Harris  
Fred G. Stewart  
Commissioners